

PART B - FEE(S) TRANSMITTAL



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23266 7590 07/14/2004

DRIGGS, LUCAS, BRUBAKER & HOGG CO., L.P.A.
DEPT. DLBH
8522 EAST AVENUE
MENTOR, OH 44060

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<i>Nicole Toth</i>	(Depositor's name)
<i>Nicole Toth</i>	(Signature)
<i>AUGUST 19, 2004</i>	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,340	10/29/2003	M. Everett Weiser	ACN-30-5804	8861

TITLE OF INVENTION: PEACH TREE NAMED WEISER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$320	\$300	\$620	10/14/2004
EXAMINER	ART UNIT		CLASS-SUBCLASS		
MCCORMICK EWOLDT, SUSAN BETH	1654		435-212000		

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

"Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent), and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 James A. Lucas

2 Driggs, Lucas, Brubaker &

3 Hogg, Co., LPA

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY) 08/24/2004 AADOF02 00000105 500645 10696340

01 FC:2503	320.00 OP
02 FC:1504	300.00 OP
03 FC:8001	3.00 IA

Please check the appropriate assignee category or categories (will not be printed on the patent): individual corporation or other private group entity government

4a. The following fee(s) are enclosed:

Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies _____

4b. Payment of Fee(s):

A check in the amount of the fee(s) is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 500645 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
 b. Applicant is not claiming SMALL ENTITY status. See, e.g., 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

(Authorized Signature)

(Date)

James A. Lucas August 19, 2004

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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TRANSMIT THIS FORM WITH FEE(S)



Driggs, Lucas, Brubaker & Hogg Co., L.P.A.

Attorneys & Counselors at Law
8522 East Avenue • Mentor, Ohio 44060
www.lawyers.com/drigglaw/

Charles M. Driggs
James A. Lucas*
C. Richard Brubaker
William N. Hogg*

Patrick J. Daugherty*

August 19, 2004

Phone (440) 205-3600
Fax (440) 205-3601
Cleveland No. (440) 942-3737
Email: info@drigglaw.com

Mail Stop ISSUE FEE
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**Re: U. S. Plant Patent Application of M. Everett Weiser
entitled PEACH TREE NAMED WEISER, Serial No.
10/696,340, filed October 29, 2003, Conf. No. 8861
Docket No. ACN-30-5804**

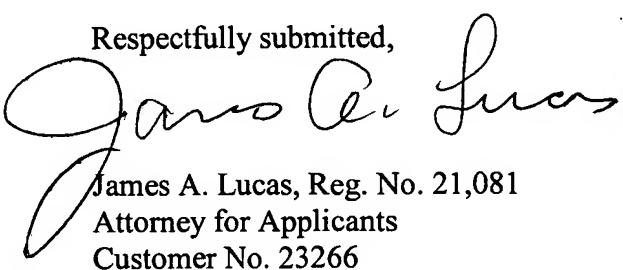
Dear Sir:

The undersigned has received a Notice of Allowance dated July 14, 2004 in connection with the above entitled patent application. The due date for payment of the issue fee is October 14, 2004. Although the projected publication date set by the Patent Office in the filing receipt is May 5, 2005, more than seven months away, a charge for such publication appears on the allowance and fee transmittal forms and was paid by the applicant when submitting the fee transmittal to the Patent Office on August 19, 2004. (a copy of the transmittal is attached).

We were advised by the Issue Branch that the publication fee was required to be paid along with the issue fee to insure issuance of the patent, and that a letter explaining the excess charge should be submitted, and the Patent Office would then credit Deposit Account 500645 in the amount of three hundred dollars (\$300.00).

Accordingly, it is hereby requested that such credit be issued.

Respectfully submitted,



James A. Lucas, Reg. No. 21,081
Attorney for Applicants
Customer No. 23266

JAL:cg

Enclosure